

From: Richard Taylor

Sent: Wednesday, March 6, 2024 2:49 PM

To:

Cc: Mckenna Lorna: H&F <Lorna.Mckenna@lbhf.gov.uk>

Subject: FW: Broadway Bar & Grill 474-476 Fulham Road GTE:0009500002739

Dear [REDACTED]

I act for Ei Group Ltd and am responsible for the premises licence applications to which you have lodged representations.

The purpose of this email is to explain my client's position, the application made, the steps that my client has taken to address the noise issues caused by its previous tenant and to ascertain whether you would welcome further discussion about this. I hope that the information below will address your concerns. If it does, please could you contact Lorna McKenna at the licensing authority (copied in) to withdraw your representation. If it does not and you have further queries then please contact me and I'll do my very best to help.

My client holds a long lease on these premises but it does not trade the premises. The premises are subject to a tenancy agreement through which the current tenant operates the premises. That tenant is both the premises licence holder and designated premises licence holder.

The applications to which you have lodged representations are shadow licence applications. These are premises licences which will only ever be used if the existing licences are lost for any reason. Indeed, the applications state, "This shadow licence will only be used in the event that the existing licence lapses, is surrendered or revoked." The applications are in identical terms to the existing trading licences and are effectively an insurance policy for my client.

My client is aware of the noise problems caused by a previous tenant's operation and to that end and whilst the premises were closed, commissioned an expert acoustic report to make sound attenuation recommendations. My client has confirmed to the Environmental Health Officer that it will implement all of the recommendations.

In addition, the report recommended that the rear customer areas close earlier and to demonstrate its commitment, my client submitted minor variation applications to amend the conditions on the licences such that the outside areas cannot now be used after 2200.

After consultation with the professional experts the Council primarily relies on to ensure the licensing objectives are promoted (including the prevention of crime and disorder and public nuisance objectives), neither the police nor Environmental Health officers have any objection to the grant of these shadow licence applications. They implicitly recognise that these applications are in effect a formality, or insurance policy for the landlord only, rather than a material change.

On the basis that the grant of the licence applications will have no impact on the way that the premises trade and that my client is doing everything it can to address the noise issues caused by previous operators, please could you confirm whether you would be prepared to withdraw your representation.

If you have any queries then please do not hesitate to contact me.

Kind regards

Richard

Richard Taylor | Partner | Head of Licensing Department

From: Richard Taylor
Sent: Wednesday, March 6, 2024 2:46 PM
To: ' >
Cc: Mckenna Lorna: H&F <Lorna.Mckenna@lbhf.gov.uk>
Subject: Broadway Bar & Grill 474-476 Fulham Road

Dear [REDACTED]

I act for Ei Group Ltd and am responsible for the premises licence applications to which you have lodged representations.

The purpose of this email is to explain my client's position, the application made, the steps that my client has taken to address the noise issues caused by its previous tenant and to ascertain whether you would welcome further discussion about this. I hope that the information below will address your concerns. If it does, please could you contact Lorna McKenna at the licensing authority (copied in) to withdraw your representation. If it does not and you have further queries then please contact me and I'll do my very best to help.

My client holds a long lease on these premises but it does not trade the premises. The premises are subject to a tenancy agreement through which the current tenant operates the premises. That tenant is both the premises licence holder and designated premises licence holder.

The applications to which you have lodged representations are shadow licence applications. These are premises licences which will only ever be used if the existing licences are lost for any reason. Indeed, the applications state, "This shadow licence will only be used in the event that the existing licence lapses, is surrendered or revoked." The applications are in identical terms to the existing trading licences and are effectively an insurance policy for my client.

The grant of the shadow licences will not affect the current trading hours. I note that you state that the existing trading hours are sufficient.

My client is aware of the noise problems caused by a previous tenant's operation and to that end and whilst the premises were closed, commissioned an expert acoustic report to make sound attenuation recommendations. My client has confirmed to the Environmental Health Officer that it will implement all of the recommendations.

In addition, the report recommended that the rear customer areas close earlier and to demonstrate its commitment, my client submitted minor variation applications to amend the conditions on the licences such that the outside areas cannot now be used after 2200.

After consultation with the professional experts the Council primarily relies on to ensure the licensing objectives are promoted (including the prevention of crime and disorder and public nuisance objectives), neither the police nor Environmental Health officers have any objection to the grant of these shadow licence applications. They implicitly recognise that these applications are in effect a formality, or insurance policy for the landlord only, rather than a material change.

On the basis that the grant of the licence applications will have no impact on the way that the premises trade and that my client is doing everything it can to address the noise issues caused by previous operators, please could you confirm whether you would be prepared to withdraw your representation.

If you have any queries then please do not hesitate to contact me.

Kind regards

Richard

Richard Taylor | Partner | Head of Licensing Department